

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 65, 68 – 73, 76 – 80, 83 – 85, 88 – 90, 93 – 95, 98, 99, 182, 184 – 247, 249, 250, 252 – 325, and 328 – 338 are rejected under 35 U.S.C. 102(e) as being anticipated by Gever et al. (U.S. Pat. No. 6,331,861) (Programmable Computer Graphic Objects).

1.1 Regarding claim 65, Gever discloses a method for generating a composite image including:

presenting a first image via a Web interface presented on a browser, the first image being an image of a product (Figs. 4, 7; col. 18, line 59 – col. 19, line 3 “Surface details are defined so as to **enable the user to edit** the colors, shapes, textures and other surface features that are mapped onto 3D objects 86

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... Surface details 94 may further include a **logo, for example, text or an insignia, to be displayed on the shirt** of a character rendered on screen 52.”);

presenting a second image via a Web interface presented on the browser, the second image being a decorative image selected from a group consisting of a logo image and a text image (Figs. 4, 7; col. 18, line 59 – col. 19, line 3 “logo”);

communicating a selection of the first image and the second image to a server via a network (Figs. 4, 7; col. 18, line 59 – col. 19, line 3);

automatically generating a composite image of the first image and the second image at the server (Figs. 4, 7; col. 18, line 59 – col. 19, line 3), the composite image showing the decorative image superimposed on the image of the product (Figs. 2, 4, 7; col. 18, line 59 – col. 19, line 3 “Surface details are defined so as to **enable the user to edit** the colors, shapes, textures and other surface features that are mapped onto 3D objects 86 ... Surface details 94 may further include a **logo, for example, text or an insignia, to be displayed on the shirt** of a character rendered on screen 52.”; col. 21, lines 48 – 58); and

communicating the composite image from the server to the browser via the network (Figs. 4, 7; col. 18, line 59 – col. 19, line 3).

1.2 Per claim 68, Gever teaches that the composite image includes the second image placed in a default position on the first image (Figs. 17A, 17B; col. 30, lines 35 – 49).

1.3 Regarding claim 69, Gever discloses:

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positioning the second image relative to the first image via a Web interface presented on the browser to generate relative positioning information (col. 18, line 59 – col. 19, line 3; col. 21, lines 48 – 58);

communicating the relative positioning information to the server via the network (Figs. 1, 4; col. 18, line 59 – col. 19, line 3); and

automatically generating the composite image of the first image and the second image at the server according to the relative positioning information (col. 18, line 59 – col. 19, line 3; col. 21, lines 48 – 58; col. 3, lines 56 – 60).

1.4 Per claim 70, Gever teaches that the composite image is associated with information in a database, the associated information in the database being communicated together with the composite image from the server to the browser via the network as a photo sample (Figs. 1, 4; col. 3, lines 56 – 60; col. 18, line 59 – col. 19, line 3; col. 21, lines 48 – 58).

1.5 Regarding claims 71 and 72, Gever discloses that the photo sample is sent via network to a specified email address (col. 4, lines 1 – 3 “the set of parameters and/or data is encapsulated and transferred in the form of an electronic mail message”; col. 8, line 66 – col. 9, line 5; col. 30, lines 5 – 25); or teach a URL, containing the photo sample that is sent via network to a specified email address (Fig. 16; col. 4, lines 1 – 3; col. 8, line 66 – col. 9, line 5; col. 30, lines 5 – 25 “Server 246 transmits a **URL reference** to the HTML document, as is

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known in the art, in the form of an **electronic mail message** over network 236 to recipient 254.”).

1.6 Regarding claims 73, 76 – 80, 83 – 85, 88 – 90, 93 – 95, 98, 99, 182, 184 – 247, 249, 250, 252 – 325, and 328 – 338, the rejection of claims 65 and 68 – 72 under 35 USC 102(e) (paragraphs 1.1 – 1.5 above) applies fully.

In addition Gever discloses normalizing dimensions of images (col. 19, lines 46 – 58).

Also, Gever teaches two separate memory storage areas (libraries) for storage of the superimposed data (col. 12, line 62 – col. 13, line 10 “library of images”; col. 18, line 59 – col. 19, line 3; col. 21, lines 48 – 58).

In addition, Gever discloses first and second parameters that define particular colors for first and second images (Figs. 4, 17B; col. 18, line 59 – col. 19, line 3 “Surface details 94 are defined so as to enable the user to **edit the colors**, ...”).

Claims 65, 68 – 73, 76 – 80, 83 – 85, 88 – 90, 93 – 95, 98, 99, 182, 184 – 247, 249, 250, 252 – 325, and 328 – 338 are rejected under 35 U.S.C. 102(e) as being anticipated by Fantone et al. (U.S. Pat. No. 6,026,215) (Method for Making Display Products Having Merged Images).

2.1 Regarding claim 65, Fantone discloses a method for generating a composite image including:

presenting a first image via a Web interface presented on a browser, the first image being an image of a product (col. 4, lines 39 – 65; col. 9, lines 3 – 56);

presenting a second image via a Web interface presented on the browser, the second image being a decorative image selected from a group consisting of a logo image and a text image (col. 4, lines 39 – 65; col. 9, lines 3 – 56);

communicating a selection of the first image and the second image to a server via a network (Fig. 1; col. 4, lines 39 – 65; col. 9, lines 31 – 56);

automatically generating a composite image of the first image and the second image at the server (col. 4, lines 39 – 65; col. 9, lines 3 – 56), the composite image showing the decorative image superimposed on the image of the product (col. 4, lines 39 – 65 “The original images, which may comprise ... **text, corporate logos, ...**”); and

communicating the composite image from the server to the browser via the network (Fig. 1; col. 4, lines 39 – 65; col. 9, lines 3 – 56).

2.2 Per claim 68, Fantone teaches that the composite image includes the second image placed in a default position on the first image (col. 8, lines 1 – 35).

2.3 Regarding claim 69, Fantone discloses:

positioning the second image relative to the first image via a Web interface presented on the browser to generate relative positioning information (col. 4, lines 39 – 65; col. 9, lines 31 – 56);

communicating the relative positioning information to the server via the network (Fig. 1; col. 4, lines 39 – 65; col. 9, lines 31 – 56); and

automatically generating the composite image of the first image and the second image at the server according to the relative positioning information (Fig. 1; col. 4, lines 39 – 65; col. 9, lines 31 – 56).

2.4 Per claim 70, Fantone teaches that the composite image is associated with information in a database, the associated information in the database being communicated together with the composite image from the server to the browser via the network as a photo sample (col. 4, lines 39 – 65 “digital camera 102”).

2.5 Regarding claims 71 and 72, Fantone does not explicitly disclose that the photo sample is sent via network to a specified email address; or teach a URL, containing the photo sample that is sent via network to a specified email address. However, these features are inherent in the art, given the persistent use of the Internet at the time of the invention and the use of the Internet seen in Figure 1 of Fantone (item 108).

2.6 Regarding claims 73, 76 – 80, 83 – 85, 88 – 90, 93 – 95, 98, 99, 182, 184 – 247, 249, 250, 252 – 325, and 328 – 338, the rejection of claims 65 and 68 – 72 under 35 USC 102(e) (paragraphs 2.1 – 2.5 above) applies fully. In addition Fantone discloses normalizing dimensions of images (col. 1, lines 29 – 43).

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Also, Fantone teaches two separate memory storage areas (libraries) for storage of the superimposed data (col. 4, lines 39 – 65 “The source of the original images may be a digital camera 102, ...storage medium such as the floppy disk 106 ...”). In addition, Fantone discloses first and second parameters that define particular colors for first and second images (col. 5, lines 18 – 30).

Response to Arguments

Applicant's arguments with respect to claims 65, 68 – 73, 76 – 80, 83 – 85, 88 – 90, 93 – 95, 98, 99, 182, 184 – 247, 249, 250, 252 – 325, and 328 – 338 have been considered but are moot in view of the new ground(s) of rejection (Fantone) and in view of the newly cited passages above (in Gever).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R. Coulter whose telephone number is (571)272-3879. The examiner can normally be reached on M - F, 7:30 am - 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Kenneth R Coulter/
Primary Examiner, Art Unit 2445

/KRC/